

Amendment and Response

Applicant: Douglas E Woehler

Serial No.: 10/685,364

Filed: October 14, 2003

Docket No.: C283.101.102

Title: LOCATION SYSTEM

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed July 9, 2008. Claims 16-29 and 47-59 have been withdrawn from consideration. Claims 1-15, 30-46 and 60-63 were rejected. Claims 1-15, 30-46 and 60-63 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1-15, 30-46 and 60-63 were rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

In the Response to the Office Action of November 30, 2007, Applicant filed a Supplemental Declaration under 37 C.F.R. § 1.131 to support that the claimed invention of the present application, U.S. Patent Application Serial No. 10/685,364, was conceived prior to the cited references of U.S. Patent No. 6,920,390 to Mallet et al. and U.S. Patent Publication No. 2003/0125868 to Giannopoulos et al. The present Office Action interpreted the term “for business purposes” in Item No. 6 of the Supplemental Declaration as constituting a public use or sale of the invention.

However, such an interpretation was not, and is not, the meaning of the term “for business purposes” intended by Applicant. During a telephonic interview with the Examiner on November 5, 2008, it was conveyed that the term “for business purposes” was intended to mean that Applicant discussed whether the named parties had any interest in jointly pursuing patent protection for the present invention, which the Examiner agreed does not constitute a sale or public use under 35 U.S.C. 102(b).

Based on the telephonic interview and the above described interpretation of the term “for business purposes”, Applicant respectfully submits that the Supplemental Declaration under 37 C.F.R. § 1.131 does not constitute a public use or sale of the present invention and, as such, respectfully requests that the rejection of claims 1-15, 30-46 and 60-63 were rejected under 35 U.S.C. 102(b) be withdrawn and that claims 1-15, 30-46, and 60-63 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-15, 30-46 and 60-63 are in form for allowance and are not taught or suggested by the cited references.

Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-15, 30-46 and 60-63 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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SED/GAK:cjs

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